



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

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Name of Individual Certifying this Document/Proposed Document

ADMINISTRATOR, DIVISION OF COMMUNITY CORRECTIONS

Title


[Handwritten Signature]

Signature

6/25/19

Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (6/2019)

 <p style="text-align: center;">WISCONSIN DEPARTMENT OF CORRECTIONS Division of Community Corrections DOC-1356 (Rev.) Administrative Directive #15-08 AMENDED Replaces #99-08, 02-10 07-14, 11-04</p>	EFFECTIVE DATE 03/01/2015	PAGE NUMBER 1 of 4
	MANUAL REFERENCE ECRM	<input type="checkbox"/> New <input checked="" type="checkbox"/> Revision
	ORIGINATED BY ADMINISTRATOR'S OFFICE Denise Symdon <i>Denise Symdon</i>	
DISSEMINATION <input type="checkbox"/> All Staff <input type="checkbox"/> Supervisory Staff Only		PRIORITY <input checked="" type="checkbox"/> Policy/Directive <input type="checkbox"/> Information Discuss at Staff Meeting Read/Route/Post
SUBJECT: Sex Offender Residences Upon Release from Incarceration		

Policy Statement:

Upon release to parole or extended supervision, each person who has been convicted of a sex offense requiring registration shall reside in one of the following locations:

- The county in which the person resided on the date of the sex offense;
- The county in which the person was convicted of the sex offense; or
- A sex offender treatment facility

If the sex offender is subject to Special Bulletin Notification upon release to supervision, the sex offender will reside in the county in which the person was convicted of the sex offense. Any residence to the contrary must have preapproval by the DOC Secretary's Office.

This policy does not override Wisconsin Statutes 304.06 (2m)(b) and (c) which "bars parole of a person serving a sentence for a serious sex offense to a county where there is a correctional institution which has a specialized sex offender treatment program, unless the county is also the person's county of residence."

Reference:

Wisconsin State Statute 301.03 (19)
 Wisconsin State Statute 301.03 (20)
 Wisconsin State Statute 304.06 (2m) (b) and (c)

Definitions, Acronyms and Forms:

Serious sex offense: A violation of s. 940.225 (1) or (2), 948.025, 948.06 or 948.07 or a solicitation, conspiracy or attempt to commit a violation of s. 940.225 (1) or (2), 948.025, 948.06 or 948.07.

Residence: As defined in Wisconsin Statute 304.06(2m) (d), means, "the voluntary concurrence of physical presence with intent to remain in a place of fixed habitation. Physical presence shall be considered as prima facie evidence of intent to remain... [T]he criteria for consideration of residence and physical presence shall apply to the facts that existed on the date that the prisoner committed the serious sex offense that resulted in the sentence the prisoner is serving."

Procedure:

Sex Offender Residence Upon Release to Parole or Extended Supervision

1. Sex Offenders – No Special Bulletin Notice (SBN) Required:

- a. Sex Offenders who are released without a SBN and are required to register may, subject to the limitations of Wisconsin Statutes, s. 304.06 (2m)(b) and (c), reside in one of the following locations:
 - The county in which the person resided on the date of the sex offense;
 - The county in which the person was convicted of the sex offense; or
 - A sex offender treatment facility
- b. The Department may authorize a sex offender who is released without a SBN to reside in a location other than those listed above if the offender has a viable release plan in the county of desired placement/residence with approval of the agent and supervisor in that county.

2. Sex Offenders – Requiring a Special Bulletin Notice (SBN):

- a. Per DOC policy, a sex offender being released from a correctional institution or center who is subject to SBN procedures must reside in the county of conviction, unless preapproved by the Secretary's Office.
 - b. In the event a sex offender who is subject to SBN procedures requests to reside in a county other than the county of conviction, and has the approval of the agent, supervisor and Regional Chief, the region requesting the transfer will compile a briefing document with the following information: Date, To, From, Reference, Offenders Name, DOC #, Sex Offense History, Current Institution Location, Residence History, Date and Outcome of the Core Team Meeting, Recommendation, and Community Stakeholders
 - c. The briefing document is due at the same time as the **DOC-2143 Special Bulletin Notification Release Plan**.
 - d. The briefing document should be submitted by the Regional Chief to the Director of Sex Offender Programs for review. The Director of Sex Offender Programs will review and once approved, will submit to the Office of the Administrator. After the Office of the Administrator concurs with the recommendation for transfer of county, the request will be forwarded to the Secretary's Office. If the Secretary's Office approves the request, the Office of the Administrator will notify the respective Regional Chiefs and the Director of Sex Offender Programs.
3. For as long as they are on supervision, offenders who require an SBN must have the approval of the Secretary's Office before being allowed to relocate to another county.

Frequently Asked Questions:

- Q. *If an offender who is required to register has been approved to transfer out of state upon release to parole/ES, does the offender still need to reside in Wisconsin? And if so, how long must he/she remain in Wisconsin prior to transfer out of state?*
- A. **No. He/she can go to the other state directly from the release from the institution.**
- Q. *If an offender who is required to register has more than one sexual assault conviction, to which case should we be applying this Administrative Directive?*
- A. **The offender should go to the county of where there is a demonstrated release plan.**
- Q. *Are there any community-based sex offender treatment facilities?*
- A. **Not any known in Wisconsin. However, there could be some in other states. If this is the case, then the offender must be approved by the receiving state for IC transfer to such a facility.**
- Q. *Please describe "sex offense requiring registration" and residence upon release from incarceration.*
- A1. **Offender who is required to register pursuant to W.S. 301.45 committed the offense in county "A" and residing in that county at the time the crime was committed. The offender must reside in county "A."**
- A2. **Offender who is required to register pursuant to W.S. 301.45 committed the offense in county "A," but lived in county "B" at the time the crime was committed. The offender may reside in either county "A" or county "B."**
- A3. **Offender has a prior conviction for a sex offense requiring registration in county "A," but is now convicted and in prison for a non-registerable crime (e.g., forgery). The offender residing in county "A" at the time of the prior registerable sex offense but lived in county "B" at the time of the current conviction. Offender must reside in county "A."**
- A4. **Same scenario above, but the offender's sex offense conviction occurred before 1993. As Wisconsin did not have a statutory sex offender registry requirement before 1993, the offender in the above scenario would not be affected by the law and may reside in county "B."**

Q. *Does this law apply to juveniles?*

A. **If the juvenile is required to register based on a juvenile adjudication, this law would not apply to that individual as the statute refers to individuals who were “convicted.”**

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